

BYLAW NO. 16 - 2013

A BYLAW RESPECTING THE COLLECTION AND DISPOSAL OF WASTE

The Council of the District of Lakeland No. 521, in the Province of Saskatchewan enacts as follows:

TITLE

This bylaw shall be referred to as the "*Collection and Disposal of Waste Bylaw*"

PURPOSE

To protect the health and welfare of people and environment by regulating and monitoring the collection, handling and disposal of waste and recyclable material; To establish and regulate the collection and disposal of waste; To provide for fees for the provision of collection and disposal of waste.

PART I - DEFINITIONS

1. In this bylaw:

- a) "**Administrator**" shall mean the administrator of the municipality, and shall include a person acting as the Administrator in the Administrator's absence.
- b) "**Accessible**" shall mean within 1.5 metres (5 feet) of the maintained travelled portion of a highway and preferably on the street side of the travelled portion of the highway allowing ease of collection of receptacles or containers without obstruction from such things as parked vehicles or snow windrows, trees, power lines or any other obstructions, and in a manner that it will not overturn.
- c) "**approved container**" means a container that meets the requirements of this Bylaw and of the Administrator and that has been approved for use in the Municipality by a Designated Officer for door to door collection;
- d) "**bin**" means an approved container made of metal of a size greater than one cubic metre that is capable of automated collection;
- e) "**Collect/Collection**" shall mean to pick up and/or empty for removal from a Property.
- f) "**Collector**" - shall mean the Municipal Department responsible for the collection of waste, or in the event of the Municipality delegating the

duties to another entity, the Collector shall be that entity providing waste collection services to the Municipality.

- g) **“Collection Day”** shall mean the day designated by the Administrator or Council for collection of waste from a property as described in Schedule “A”.
- h) **“Container”** shall mean a container for the disposal of waste as applied to waste collection.
- i) **“Council”** means the council of the District of Lakeland No. 521
- j) **“Dangerous Object”** shall mean an object or material that presents a health or safety risk to a person such as broken glass, sharp edged tin, exposed syringe.
- k) **“Designated Officer”** means a person appointed by the Municipality to administer or enforce this Bylaw and shall include the Administrator, and a Peace Officer;
- l) **“Dust Particles”** shall mean fine dust-like material such as cold ashes, sawdust, and vacuum cleaner waste.
- m) **“Hazardous Substance”** shall be defined according to the *Environmental Management and Protection Act, 2002*
- n) **“household waste”** means waste originating from domestic activities at a residence, and includes:
 - i. putrescible organic waste produced as a by-product of the handling, preparation, cooking, consumption or storage of food;
 - ii. non-putrescible materials, including packaging material, clothing, containers, paper products, small appliances, household items, diapers;
 - iii. non-hazardous remains, by-products, or discarded materials; and
 - iv. yard waste including grass clippings, leaves, branches, trees, garden matter, soil, sod or dirt;
- o) **“Litter”** shall mean any and all waste or material which is blown, discarded, disposed of, dropped, left or placed onto any highway, park, public or private premises that contribute to untidiness of the Municipality.
- p) **“Municipality”** means the District of Lakeland No. 521.

- q) “**municipal inspector**” means a person appointed pursuant to this Bylaw to act as an inspector for purposes of this Bylaw;
- r) “**Owner**” means any person who owns, occupies or controls land within the Municipality;
- s) “**Peace Officer**” means a peace officer as defined in *The Summary Offences Procedure Act, 1990*.
- t) “**Pest**” includes insect pests, and any other Tree related pest so declared under *The Pest Control Act*;
- u) “**prescribed time**” shall mean the time that an approved container is to be accessible for collection on the date of the scheduled collection date as identified in Schedule “A”
- v) “**putrescible**” means waste that is capable of decomposing with sufficient rapidity so as to cause a nuisance from odours or gases, or that is likely to attract birds, insects, snakes, rodents or other animals, or that may otherwise be a health risk;
- w) “**unacceptable waste**” means waste listed in Schedule “B” to this Bylaw;
- x) “**Vegetation**” Includes all trees, shrubs, plants, flowers, and grass, or all ground cover, whether it is in its wild or natural state, or has been planted.
- y) “**Waste**” means any solid that is an organic or inorganic material, including material or by-products discarded in a manufacturing or producing process; snow; ice; dirt; rocks; rubble; garbage; tree cuttings; grass; leaves; empty or partly empty tins, boxes, cartons, bottles and containers; discarded paper and fabrics, discarded household utensils; household furniture; household appliances of any nature; And shall not include human excrement.
- z) “**waste container**” means any container for waste collection, and includes a bin, roll-out cart, stationary container, garbage can, residential waste container, commercial waste container;
- aa) “**Waste Management Centre**” means the Provincially-approved landfill operated by the Municipality for the disposal of waste.

PART II

General Provisions for Disposal of Waste

Accumulation of Waste Prohibited

2. No owner or occupant of any land or building shall allow waste of any kind to accumulate in or on the land or building, except:
 - i. in a container required by this Bylaw;
 - ii. in a manner complying with this Bylaw;
 - iii. in a location designated as an area allowed by this Bylaw.
 - iv. as may be approved or required by a designated officer.

Depositing Waste on Private or Public Property

3. No person shall dispose of waste anywhere in the Municipality other than in a waste container or at an approved Waste Management Centre.
4. No person shall litter as defined by this bylaw and Section 3 of *The Litter Control Act*. Waste disposed outside the designated collection and disposal system shall be considered littering.
5. A person who has placed waste contrary to the provisions of this Bylaw shall remove the waste or cause the waste to be removed upon being directed to do so by the owner or occupant of the land, a Medical Health Officer, or a Designated Officer.
6. If the identity of the person who placed waste on the land contrary to the provisions of the Bylaw cannot reasonably be ascertained, the owner or occupant of the land shall remove the waste or cause the waste to be removed upon being directed to do so by a Medical Health Officer or a Designated Officer.

Waste, Recycle Containers and Collection

7. Council shall approve each property or premises that are to receive an approved container for the collection and storage of waste.
8. Council, or the Administrator, may approve the use of a waste container for the collection of waste or recyclable material, to be placed within the Municipality for any property, or premises it deems necessary.
9. The owner or occupant of a property or premises shall be responsible for their approved container.

10. The owner or occupant of a property will be charged a replacement fee for an approved container required to be replaced due to damage, neglect, vandalism, loss or theft.
11. Notwithstanding section 9 of this bylaw, the Collector shall be responsible for regular container maintenance.
12. A person requesting additional residential receptacles must contract directly with the Collector.
13. No person other than:
 - i. the owner, occupant or operator of a property to which a container is assigned;
 - ii. a person permitted by the owner, occupant or operator of a property to which a waste container is assigned; or
 - iii. the Municipality; or
 - iv. a person or employee of a company assigned by the Municipality,shall disturb or disrupt the contents of a waste container.
14. No person other than:
 - i. the owner, occupant or operator of a property to which a container is assigned;
 - ii. a person permitted by the owner, occupant or operator of a property to which a waste container is assigned;
 - iii. the Municipality; or
 - iv. a person or employee of a company assigned by the Municipality,shall remove any waste from any bin, waste container; recycle bin or Waste Management Centre.
15. The Municipality or the Collector may refuse to empty an approved container that;
 - i. is improperly placed
 - ii. is locked or is in an enclosure that is locked;
 - iii. contains and Hazardous Substance;
 - iv. contains improperly prepared or placed waste or unacceptable waste;
 - v. poses or may pose a danger to the person or any property, the collector or its employees, agents or designates.
 - vi. that in the case of an approved container, the total weight of the approved container and its contents exceeds 90 kg.
 - vii. is not an approved container.
16. Council or the Administrator shall determine the type of waste collection to be provided to each property within the Municipality.

17. Properties that receive door to door collection shall be provided one approved container for the collection and disposal of residential waste.
18. The Administrator shall establish collection dates for the removal of waste and or re-cycleable material.
19. The Administrator may provide a pass to any business or person residing or maintaining business within the Municipality to access a Waste Management Centre.
20. Council may provide for fees for the provision of collection and disposal of waste and such schedule of fees shall be affixed to this bylaw as Schedule "A".
21. Approved containers shall be accessible to the Collector by the prescribed time the date of scheduled collection.
22. Approved containers shall be kept on the property owners or occupants own property at all times as may be required by this bylaw.
23. An approved container may be placed out by the owner or occupant of the property, at or near the travelled portion of a highway for collection as allowed by this bylaw.
24. An approved container placed out for collection on the travelled portion of the municipal road may be done no sooner than 24 hours prior to the prescribed time on the collection date, and must be removed no later than 24 hours after the prescribed time of the collection date.
25. Any approved container not properly stored as required by this bylaw, or as directed by a designated officer, may be placed on the owner or occupant's property at the direction of a designated officer, and the cost of which shall be the responsibility of the owner or occupant.
26. A Designated Officer may allow an owner or occupant to have their approved container placed contrary to this Bylaw.
27. No person shall place, or caused to be placed or disposed any recyclable material anywhere within the Municipality except in accordance with this Bylaw.
28. No person shall place or allow to be placed into any waste container designated for recyclable material, any item that is not approved by the municipality in accordance with "Schedule B"
29. No person shall overfill any waste container or recycle bin.

30. No person shall place, or allow to be placed, any recycled material or waste outside of any container designated for waste or recycling, unless it is in a Waste Management Centre
31. No person shall place, or allow to be placed, any hazardous waste into any waste container or recycle bin.
32. Dangerous items, dust particles and small animal waste must be bagged with the bags securely tied to prevent and escape of the items prior to the deposit into any waste container.
33. Dangerous or potentially dangerous items shall not be mixed with other waste and will not be collected.
34. No person who transports or causes to be transported any waste in the municipality shall allow the waste or any portion of it to escape from the vehicle.
35. No person shall transport or cause, or allow to be transported any waste in the municipality unless proper measures, including at least one of the following, are taken to prevent the waste or any portion of it from escaping from the vehicle:
 - a. the waste is in a covered container;
 - b. the waste is covered with a tarpaulin or other suitable covering; or
 - c. the waste is securely tied down or fastened.
36. No person shall burn or allow to be burned any waste within the Municipality.
37. Notwithstanding section 36, a designated officer may allow in writing, the burning of waste, subject to any provincial or federal requirements.
38. No person shall be permitted to enter a Waste Management Centre except a person operating a vehicle for the purpose of delivering waste. Such person shall be permitted to remain on the Landfill only so long as reasonably may be required to unload the waste contained in the vehicle.
39. Section 38 shall not apply to any person so designated to work on or at a Waste Management Centre during their designated work hours.
40. Entry to the Waste Management Centre may be denied if:
 - a. the person requesting entry has neglected to or refused to pay any fees assessed pursuant to this bylaw; or
 - b. the person has neglected to or refused to deliver the waste to the area of the Waste Management Centre as required or directed.
 - c. the waste does not originate from a jurisdiction as approved by the municipality as a jurisdiction designated to access the Waste Management Centre.

41. A person may deliver acceptable waste to a Waste Management Centre for disposal. All deliveries of waste shall be measured and recorded. A charge as set out in Schedule "A" attached hereto, which may be amended by resolution of Council, will be made for every vehicle so entering the Waste Management Centre. These charges may not apply to a municipal vehicle or employee or Contractor of the municipality while engaged on public business of the municipality, but shall be recorded.
42. No person shall remove waste or any material from the Landfill without the written consent of Council or a designated officer.
43. A municipal employee, or a designated officer, and any person accompanying them, shall have the right to enter the Landfill for the purpose of performing the duties assigned to them.
44. The hours of operation of the Landfill are to be established from time to time by Resolution of Council. The hours of operation shall be posted on site and can be obtained on request from the Administration Office.
45. No delivery to the Landfill shall be made except during the stated operating hours.

PART IV – PENALTY

46. Every person who contravenes any provision of this any bylaw is guilty of an offence and liable on summary conviction to:
 - a. in the case of an individual, to a fine not less than \$250 and not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues; and
 - b. in the case of a corporation, to a fine not less than \$450 and not exceeding \$25,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues.
47. Notwithstanding section 46, the minimum fine for section 4 shall be,
 - a. in the case of an individual, a fine of not less than \$500 for a first offence.
 - b. in the case of a corporation a fine of not less than \$1000 for a first offence.
48. The imposition of any penalty for a violation of this bylaw shall not relieve the person or corporation for complying with this bylaw.
49. Any person or corporation who fails to or neglects to do anything that is required by this bylaw shall be liable for costs incurred by the Municipality for the remedy of any contravention, and such costs may be added to the tax roll of the pursuant to *The Municipalities Act*.

50. Notwithstanding section 46, where a person commits or is alleged to have committed an infraction of this bylaw a Designated Officer may give to a person or corporation either in person, by mail or affixing the same to the dwelling a Notice of Violation requiring such person to appear at the Municipality's office within the designated time on the Notice of Violation and pay to the municipal employee thereat, as a penalty for the specific infraction, the sum of \$150.00 for an individual, or in the case of a corporation the sum of \$250.00.
51. Compliance with the Notice referred to in section 50 shall be deemed as a guilty plea and shall relieve the person to whom the Notice was issued from liability to such prosecution.
52. Severability - if a Court of competent jurisdiction should declare any section of this bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the bylaw and it is hereby declared that the remainder of the bylaw shall be valid and shall remain in force and effect.
53. Bylaw No. 3 – 2008, Bylaw No. 4-2013 and all amendments thereof are hereby repealed.

Coming into Force.

54. This bylaw shall come into force and take effect on final passing thereof.

"Dave E. Dmytruk"

Administrator

"E.E. Christensen"

Reeve

*Read a Third Time and Passed by
Resolution of Council on The 16th
Day of December, 2013*

SCHEDULE "A"

Collection

The prescribed time for waste collection shall be 7:00 am

The prescribed date for waste collections shall be Monday of each week.

Fees

- Cost of collection as approved by Council.

- Waste Management Centre access fees –
 - Vehicles up to one half ton truck load \$7
 - Single Axle Dump (up to 8 yards) \$56
 - Dual Axle Dump (up to 10 yards) \$70
 - Tandem Semi-end Dump \$140

SCHEDULE “B”

“unacceptable waste” means;

- any automobile parts, batteries, building materials, fences, gates or similar fixtures, dead animals or parts of dead animals, concrete, grease, liquid waste, hazardous substance, inflammable substance, furniture, major appliance, oil, propane tank, paint, sod, soil, tires, items over 1 meter in length in a waste receptacle and shall also mean an object or material that presents a health or safety risk to a Person such as broken glass, sharp edged tin, exposed syringe.
- No person shall deliver to the Landfill hazardous substances, paint, liquid waste, biomedical waste or other such waste that is unacceptable for disposal in a municipal waste disposal ground as defined by The Environmental Management and Protection Act and any regulations made pursuant thereto.

Acceptable recycle material

- Newspapers, flyers, inserts, flattened cardboard, box and paperboard, cartons, milk cartons, juice cartons, Paper- Office bond, photocopier paper, paper bags, envelopes, letter paper and computer printouts, telephone books, catalogues, magazines, Household tin cans, aluminum cans, Plastic shopping/store and grocery bags, Plastic soft drink and water bottles, Household plastic containers and bottles
- Above items must be free from any soil or contamination and in the case of any container must be rinsed and caps removed. Plastic items must have the recycling arrows with a number 1 through 7 on the bottom.